

VZCZCXR08730
OO RUEHSSR
DE RUEHC #6188/01 0520035
ZNY CCCCC ZZH
O P 210018Z FEB 09
FM SECSTATE WASHDC
TO ALL NATO POST COLLECTIVE IMMEDIATE
INFO RUEHGB/AMEMBASSY BAGHDAD PRIORITY 4346
RUEHNO/USMISSION USNATO PRIORITY 4550
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY 3652

C O N F I D E N T I A L SECTION 01 OF 04 STATE 016188

SIPDIS

E.O. 12958: DECL: 02/20/2019

TAGS: MARR MOPS NATO PREL I2

SUBJECT: DEMARCHE REQUEST TO NATO ALLIES AND UKRAINE TO
CONTINUE TO SUPPORT THE NATO TRAINING MISSION-IRAQ

REF: A. 09 MADRID 00170
1B. 09 MADRID 00169
1C. 09 USNATO 00072
1D. 08 SECSTATE 99701
1E. 08 SECSTATE 73794
1F. 08 SECSTATE 96122
1G. 08 USNATO 00144

Classified By: EUR Acting A/S Marcie Ries for
reasons 1.4 (b) and (d)

11. (U) This is an action request to encourage NATO Allies and Ukraine to support the continuation and expansion of the NATO Training Mission-Iraq (NTM-I). NATO's Assistant Secretary General (ASYG) Martin Howard just completed a productive round of meetings in Baghdad, where he outlined NATO concerns regarding legal protections for NTM-I personnel and negotiated a letter, signed by PM Maliki, that requests NATO to continue its mission and authorizes the Iraqi Minister of Defense (MOD) to sign a Memorandum of Understanding (MoU) with NATO. In addition, Howard told the NAC that he is seeking a letter from Iraqi President Talabani to address their concerns about NTM-I personnel potentially being subject to the death penalty under Iraqi law. Allies and Ukraine are encouraged to respond favorably to the Iraqi government's call to continue and expand the mission. Please see action request in paragraph 6.

BACKGROUND

12. (SBU) Since 2004, the NATO Training Mission-Iraq (NTM-I) has provided a variety of training programs to Iraqi Security Forces to improve their effectiveness and help establish a more secure environment in Iraq. The core focus of NTM-I's mission has centered on training officers and non-commissioned officers at Iraq's military academies and in its command and control centers. In 2006, NATO broadened its focus to include training programs for the Iraqi Navy and Gendarmerie-type training for the Iraqi National Police (INP), the latter led by Italy's Carabinieri. NTM-I's success was reflected in the 2008 Bucharest Summit, where Allied leaders committed to "favorably consider the Government of Iraq's request to enhance NTM-I in areas such as navy and air force leadership training, police, and border security" among other areas. NATO's training mission in Iraq also coordinates donations of equipment for Iraqi Government security personnel from a number of Allies.

13. (C) Echoing the Bucharest Summit declaration, Allied Foreign Ministers reiterated the Alliance's commitment to continue and expand NTM-I at the December Foreign Ministerial. With these political assurances in hand, NATO entered into negotiations with the GOI regarding legal protections of NTM-I personnel due to the expiration of the UN Security Council Resolution (UNSCR) 1780 on December 31,

¶2008. Iraqi National Security Advisor Rubaie and NATO's Secretary General signed a December 23 exchange of letters (EOL), attesting that NTM-I will be accorded all the authorities, immunities, and exemptions contained in the U.S.-Iraq Security Agreement (SA). Iraq's Council of Representatives (CoR) subsequently passed Resolution 50 authorizing continued presence in Iraq of Coalition Forces and NTM-I through July 31, 2009. The resolution, however, provided fewer jurisdictional protections relative to the U.S.-Iraq SA. Consequently, member states requested clarification regarding the nature of the EOL, and what status protections their forces have in Iraq. Although the GOI notes that only the Iraqi CoR can approve legally binding agreements, NATO's legal advisor still holds that the EOL (which was not approved by the CoR) is binding under international law.

¶4. (C) In response to Allied concerns, NATO's ASYG Howard traveled to Baghdad February 9-11 to seek legal clarifications and PM Maliki's assurances that Iraq wants NATO to stay. Allies instructed Howard to seek from the Iraqis legal protection for NTM-I personnel on par with those in the U.S.-Iraq SA. PM Maliki provided Howard a letter addressed to NATO's Secretary General (SYG) that acknowledged NATO's contributions, reaffirmed Iraq's desire for NATO to continue its mission, and authorized his Minister of Defense to sign a MoU with NATO that would outline NTM-I's role and

STATE 00016188 002 OF 004

agree to an extended NTM-I presence in Iraq. ASYG Howard briefed the NAC on February 18 on his trip, the letter, and a way forward to allay Allied concerns on status protections. Howard proposed negotiating the MoU with Iraq followed by a longer-term agreement that would address the question of legal protections for NTM-I personnel to be approved by the Iraqi Council of Representatives. In addition, Howard told the NAC that he would seek a letter from President Talabani that addresses Allied concerns about human rights, specifically the possibility that NTM-I personnel could be subject to the death penalty. Talabani signed a similar letter with Romania in January 2009. Italy and Denmark -- the only Allies to respond during the NAC -- reacted positively to ASYG Howard's report and way forward (see ref C).

¶5. (C) Concerns about NTM-I's legal jurisdictions earlier caused the Portuguese to announce their withdrawal from NTM-I and led the Danes to move their forces to Naples until a MoU is finalized and answers their legal concerns. Currently, thirteen NATO Allies and one Partner - Ukraine - contribute to NTM-I.

ACTION REQUEST

¶6. (SBU) In light of Allied concerns about NTM-I's legal jurisdictions, ASYG Howard's productive trip to Baghdad, improved security throughout Iraq, and PM Maliki's repeated requests to continue and expand the NTM-I mission, Posts are requested to deliver the following points to senior MFA and MOD officials:

For all NATO Allies and Ukraine:

-- The new administration fully supports continuing and expanding NTM-I as the foundation for developing the Alliance's long term relationship with Iraq. As the U.S. draws down combat forces, the long-term advising, training and mentoring engagement conducted by NTM-I will become increasingly important to the development and stability of Iraq;

-- We are optimistic that NTM-I will continue beyond July 31, ¶2009. The Iraqi government values the mission and strongly desires long-term engagement between Iraq and NATO;

-- The GOI at the most senior levels has clearly articulated to us its strong desire to continue NTM-I;

-- NATO's February 10 negotiations with the GOI on NTM-I's legal status offered positive signs toward a long-term solution. We fully support and stand ready to assist NATO's negotiating team's plan to secure Allies the necessary protections.

-- The U.S. remains committed to NTM-I and is examining possible avenues to augment our participation. We encourage others to think about increasing their long-term roles in NTM-I;

-- The April 3-4 NATO Summit gives us a good opportunity to highlight the increased significance of NTM-I and our desire for further developing NATO's overall relationship with Iraq.

For Copenhagen:

-- Thank you for your NTM-I contributions. Your trainers offer particular value to the GOI in its efforts to build a professional military.

-- We appreciate your concerns regarding status protections and human rights concerns for your trainers. We were pleased to hear your initial positive reaction in the February 18 NAC to the NATO negotiating team's report from Baghdad and its proposed way forward.

-- We look forward to seeing your valuable trainers back in Baghdad as soon as possible as they are a force multiplier within the NTM-I.

For Kyiv:

-- Thank you for your NTM-I contributions. We view your participation with particular significance, since Ukraine is the only non-NATO country participating in all NATO-led

STATE 00016188 003 OF 004

operations. We hope that this will continue.

For London:

-- Thank the United Kingdom for its leadership in NTM-I.

-- We understand the United Kingdom is considering acting as the Principal Coordinating Nation within NTM-I for a significantly expanded Iraqi officer training program. The United States strongly supports this UK initiative, and notes that a formal announcement would be useful prior to the upcoming NATO summit.

For Madrid (after the February 24 meeting between the Secretary and FM Moratinos):

-- We are encouraged to hear that you're considering contributing Guardia Civil trainers to NTM-I. Please let us know how we can be of assistance, (Foreign Minister Moratinos and Prime Minister Zapatero's Presidency Secretary Leon told U.S. officials that Spain is interested in contributing to the NATO training mission, see ref A and B);

For Rome:

-- Thank you for your leadership in NTM-I, especially your successful Carabinieri training program, which senior Iraqi officials highly regard.

-- Continued Italian leadership is critically important to

the success of NTM-I;

-- We appreciate your concerns regarding status protections and human rights concerns for your trainers. We were pleased to hear your initial positive reaction in the February 18 NAC to the NATO negotiating team's report from Baghdad and its proposed way forward.

For Warsaw:

-- Thank you for your robust contribution to NTM-I;

-- We understand Poland may be considering, but has not announced, acting as the Principal Coordinating Nation within NTM-I for a border security training program. The United States strongly supports this Polish initiative and notes that a formal announcement would be useful prior to the upcoming NATO summit.

-- We appreciate your concerns regarding status protections and human rights guarantees for your trainers and are optimistic that the NATO negotiating team's way forward will adequately address these concerns.

For Ankara, Bucharest, Budapest, the Hague, Kyiv, Prague, Lisbon, Sofia, Tallinn, and Vilnius:

-- Thank you for your continued contributions to NTM-I;

(For Lisbon: encourage Portugal to revisit its announcement to withdraw in light of Howard's successful trip to Baghdad, PM Maliki's request to continue NATO's training mission, and GOI's willingness to answer Allied concerns on legal jurisdictions.)

(For Prague: determine if the Czechs' announced withdrawal is permanent.)

For Berlin and Paris:

-- We note with appreciation your recent high-level visits to Baghdad and our shared goal of supporting the new, democratic Iraq.

-- We welcome your views on how NTM-I might be used to enhance NATO, support the continued development and professionalization of Iraqi Security Forces, and deepen the engagement of Iraq in the international community.

-- We encourage you to consider making an initial "even if only symbolic" contribution to NTM-I in the near future.

REPORTING AND POINT OF CONTACT

STATE 00016188 004 OF 004

¶7. (U) Department requests Posts demarche as soon as possible and report responses via front channel message in preparation for the February 27 Policy Coordination Meeting at NATO Headquarters. Please contact EUR/RPM Chris Davy at DavyRC@state.sgov.gov or 202-647-2127 for additional information.
CLINTON